

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JASON D. COHEE,)
)
Petitioner,)
)
v.) No. 4:06CV1377(JCH)
)
STATE FARM FIRE AND CASUALTY)
COMPANY,)
)
Respondent.)

MEMORANDUM AND ORDER

This matter is before the Court upon petitioner's application for a writ of habeas corpus [Doc. #1].¹

The petition

Liberally construing the petition, it appears that petitioner is charged with failure to pay child support in the United States District Court for the Central District of Illinois. It also appears that there may be various criminal charges pending against petitioner in state court. Petitioner contends that his fourth amendment rights were violated in connection with these cases.

Discussion

Even giving this pro se action a liberal construction, *Haines v. Kerner*, 404 U.S. 519, 520 (1972), it is unclear whether

¹For administrative purposes only, the Clerk of Court filed this action as one arising under 28 U.S.C. § 2254. This classification, however, is not binding upon the Court.

petitioner is "in custody" for purposes of a federal habeas corpus action. Assuming that petitioner is "in custody" for purposes of a federal habeas action, then petitioner is confined in Illinois, not Missouri.

Under the law of this Circuit, habeas corpus jurisdiction under § 2241 and § 2254 requires that the district court have jurisdiction over petitioner's custodian. See e.g. Braden v. Thirtieth Judicial Circuit Court, 410 U.S. 484, 495 (1973); Lee v. United States, 501 F.2d 494, 501 (8th Cir. 1974).

Petitioner's custodians would be Illinois officials and, possibly, the United States Marshall for the Southern District of Illinois, upon whose apparent authority petitioner is being held.² In any event, these custodians are not within the territorial jurisdiction of this Court. Therefore, the instant action should be dismissed.

In accordance with the foregoing,

IT IS HEREBY ORDERED that petitioner's application for a writ of habeas corpus [Doc. #1] is **DENIED** without prejudice.

Dated this 11th day of October, 2006.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE

²The Court can conceive of no situation where State Farm Fire and Casualty Company would be a proper respondent in a federal habeas corpus action.